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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

SULEIMAN ABDULLAH SALIM,
MOHAMED AHMED BEN SOUD, OBAID
ULLAH (AS PERSONAL
REPRESENTATIVE OF GUL RAHMAN),

Plaintiffs,

v.

JAMES ELMER MITCHELL and JOHN
“BRUCE” JESSEN

Defendants.

Civil Action No.

2:15-CV-286-JLQ

COMPLAINT AND
DEMAND FOR
JURY TRIAL

I. INTRODUCTION

1. Defendants James Elmer Mitchell and John “Bruce” Jessen are psychologists who designed, implemented, and personally administered an experimental torture program for the U.S. Central Intelligence Agency (“CIA”).
2. To create a torture program with a scientific veneer, Defendants drew on experiments from the 1960s in which researchers taught dogs “helplessness” by subjecting them to uncontrollable pain. Defendants theorized that if human beings were subjected to systematic abuse, the victims would become helpless and unable to resist an interrogator’s demand for information. The CIA adopted Defendants’ approach and paid Defendants to devise, supervise, refine, and evaluate the resulting torture program. With Defendants’ support, the CIA sought and obtained authorization from U.S. government agencies and officials for use of torture and cruel methods, and, over time, for the program’s continuation and expansion.
3. Plaintiffs Suleiman Abdullah Salim and Mohamed Ahmed Ben Soud were kidnapped by the CIA and tortured and experimented upon in accordance with Defendants’ protocols. They were subjected to

1 solitary confinement; extreme darkness, cold, and noise; repeated
2 beatings; starvation; excruciatingly painful stress positions; prolonged
3 sleep deprivation; confinement in coffin-like boxes; and water torture.
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5 Plaintiffs Salim and Ben Soud suffered lasting psychological and
6 physical damage from this torture. Gul Rahman was tortured in many
7 of the same ways, including after Defendant Jessen trained and
8 supervised CIA personnel to apply these methods. Shortly after that
9 training, Mr. Rahman died as a result of hypothermia caused by his
10 exposure to extreme cold, exacerbated by dehydration, lack of food,
11 and his immobility in a stress position. His family has never been
12 officially notified of his death and his body never returned to them.
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- 16 4. Plaintiffs Salim, Ben Soud, and Mr. Obaid Ullah on behalf of Mr.
17 Rahman's estate bring this action against Defendants for their
18 commission of torture, cruel, inhuman, and degrading treatment; non-
19 consensual human experimentation; and war crimes, all of which
20 violate well-established norms of customary international law.
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II. JURISDICTION AND VENUE

5. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 1332 (diversity jurisdiction); and 28 U.S.C. § 1350 (Alien Tort Statute).

6. This Court has personal jurisdiction over Defendant John “Bruce” Jessen because he is domiciled in Spokane, Washington.

7. This Court has personal jurisdiction over Defendant James Elmer Mitchell because these causes of action arise from or are connected with his extensive business activities and residence in Washington State.

8. Venue is proper pursuant to 28 U.S.C. § 1391(b)(3).

III. PARTIES

9. Plaintiff Suleiman Abdullah Salim is a Tanzanian citizen. In March 2003, the CIA and Kenyan Security Forces captured Mr. Salim in Somalia, where he was working as a fisherman and trader, and rendered him to Kenya. From there the CIA rendered Mr. Salim to an Agency prison in Afghanistan, referred to in an official U.S. government report as COBALT. Mr. Salim was held at COBALT from March 2003 until May 2003. He was then transferred to a second

1 CIA prison in Afghanistan, referred to as the “Salt Pit,” where he was
2 held for 14 months. In July 2004, Mr. Salim was transferred from the
3 custody of the CIA to the custody of the U.S. military and held at a
4 prison at Bagram Air Force Base in Afghanistan for four years. He
5 was released from U.S. custody on August 17, 2008 and given a
6 memorandum from the U.S. Department of Defense stating that he
7 “has been determined to pose no threat to the United States Armed
8 Forces or its interests in Afghanistan.” The U.S. government has
9 never charged Mr. Salim with any crime. He currently lives in
10 Zanzibar with his wife and their three-year-old daughter.
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- 14 10. Plaintiff Mohamed Ahmed Ben Soud (formerly Mohamed Shoroeiya,
- 15 Abd al-Karim) is a Libyan citizen. In April 2003, U.S. and Pakistani
- 16 forces captured Mr. Ben Soud in Pakistan, where he was living in exile
- 17 from Muammar Gaddafi’s regime. The CIA rendered him to
- 18 COBALT. Mr. Ben Soud was held at COBALT for a year, until April
- 19 2004. He was then transferred to a second CIA prison, where he was
- 20 held for 16 months, until August 2005. The U.S. government has
- 21 never charged Mr. Ben Soud with any crime. In August 2005, the CIA
- 22 rendered Mr. Ben Soud to Libya, where he was imprisoned by
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1 Gaddafi's regime for over five years. Mr. Ben Soud was released from
2 prison on February 16, 2011, following the overthrow of Gaddafi. Mr.
3 Ben Soud lives in Misrata, Libya, with his wife and their three
4 children.
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6 11. Plaintiff Obaid Ullah is an Afghan citizen and the personal
7 representative of the estate of Gul Rahman. Mr. Rahman was also an
8 Afghan citizen. In 2002, Mr. Rahman and his family were living as
9 refugees in the Shamshato Refugee Camp, Peshawar, Pakistan. On or
10 around November 5, 2002, the CIA captured Mr. Rahman in
11 Islamabad, Pakistan, where he had gone for a medical checkup, and
12 rendered him to COBALT. On November 20, 2002, Mr. Rahman was
13 tortured to death. Mr. Rahman is survived by his wife and four
14 daughters.
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16 12. Defendant James Elmer Mitchell is a U.S. citizen and a psychologist.
17 Defendant Mitchell was the chief psychologist at the U.S. Air Force
18 Survival, Evasion, Resistance and Escape ("SERE") training program,
19 Fairchild Air Force Base, Washington. From 2001 to 2005, Defendant
20 Mitchell worked as an independent contractor for the CIA. From 2005
21 to 2009, Defendant Mitchell was the Chief Executive Officer of a
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1 company he co-founded, Mitchell, Jessen & Associates, with corporate
2 headquarters and offices in Spokane, Washington, through which he
3 worked under contract to the CIA.
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- 5 13. Defendant John “Bruce” Jessen is a U.S. citizen and a psychologist.
6 Defendant Jessen was the chief psychologist for the Department of
7 Defense Joint Personnel Recovery Agency, which oversees all four of
8 the SERE training programs, serving there until 2002. From 2002 to
9 2005, Defendant Jessen worked as an independent contractor for the
10 CIA. From 2005 to 2009, Defendant Jessen was the President of a
11 company he co-founded, Mitchell, Jessen & Associates, with corporate
12 headquarters and offices in Spokane, Washington, through which he
13 worked under contract to the CIA.
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17 IV. LEGAL FRAMEWORK

- 18 14. The Alien Tort Statute (“ATS”), 28 U.S.C. § 1350, enacted in 1789,
19 permits non-citizens to bring suit in U.S. courts for violations of the
20 law of nations or a treaty of the United States. Under the ATS, federal
21 courts are authorized to recognize a common law cause of action for
22 violations of clearly defined, widely accepted human rights norms.
23
24 *Sosa v. Alvarez-Machain*, 542 U.S. 692 (2004). The ATS extends
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jurisdiction to federal courts to adjudicate non-citizens' claims for violation of those international law norms when the claims "touch and concern the territory of the United States." *Kiobel v. Royal Dutch Petroleum Co.*, 133 S. Ct. 1659, 1669 (2013).

15. Defendants' conduct described herein constitutes (1) torture and cruel, inhuman, and degrading treatment; (2) non-consensual human experimentation; and (3) war crimes, all of which are violations of "specific, universal, and obligatory" international law norms, as evidenced by numerous binding international treaties, declarations, and other international law instruments. *Sosa*, 542 U.S. at 732.

Accordingly, Defendants' conduct is actionable under the ATS.

16. Defendants Mitchell and Jessen are liable because they directly violated these prohibitions while acting under color of law.

17. Defendants Mitchell and Jessen are also liable because they conspired with the CIA in violating these international law norms, or committed those violations as part of a joint criminal enterprise with the Agency, and aided and abetted the CIA in their commission.

- 1 18. This Court has jurisdiction under the ATS to adjudicate Plaintiffs’
2 claims because they touch and concern the territory of the United
3 States. For example:
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5 • Defendants Mitchell and Jessen are U.S. citizens;
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7 • Defendants Mitchell and Jessen are domiciled in the United States;
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9 • Defendants Mitchell and Jessen devised their torture plan in the
10 United States;
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12 • Defendants Mitchell and Jessen supervised their plan’s
13 implementation from the United States, including pursuant to contracts
14 they executed with the CIA in the United States;
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16 • Defendants Mitchell and Jessen participated in and oversaw
17 Plaintiffs’ torture and cruel, inhuman, and degrading treatment; non-
18 consensual human experimentation; and war crimes while Plaintiffs
19 were held in the custody and control of the CIA in detention facilities
20 operated by the U.S. government.
- 21 19. Congress’s express intent in enacting the ATS was to give non-citizens
22 access to U.S. courts to hold U.S. citizens accountable for violations of
23 international law norms that “touch and concern” the United States, as
24 Defendants’ actions do.
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V. FACTUAL ALLEGATIONS

GENERAL FACTS

20. Defendants’ design and implementation of, and personal participation in, the experimental CIA torture program is documented in, *inter alia*, official government reports, Congressional testimony, Defendant Mitchell’s own public admissions, and investigative reports by the media and non-governmental organizations. Official and public government reports documenting Defendants’ role include the CIA’s June 2013 Response to the Senate Select Committee on Intelligence’s Study on the Former Detention and Interrogation Program (June 27, 2013) (“CIA June 2013 Response”); CIA Office of Inspector General Special Review of Counterterrorism Detention and Interrogation Activities (Sept. 2001 – Oct. 2003) (May 7, 2004) (“CIA OIG Report”); the Senate Committee on Armed Services Inquiry into the Treatment of Detainees in U.S. Custody (Nov. 20, 2008) (“SASC Report”); and the report of the Department of Justice’s Office of Professional Responsibility Investigation into the Office of Legal Counsel’s Memoranda Concerning Issues Relating to the Central

1 Intelligence Agency's Use of "Enhanced Interrogation Techniques" on
2 Suspected Terrorists (July 2009).

- 3
4 21. Defendants' central role in devising and administering the CIA's
5 torture program is also detailed in the Executive Summary of the
6 Senate Select Committee on Intelligence ("SSCI") *Study of the CIA's*
7 *Detention and Interrogation Program* ("SSCI Report"), which was
8 publicly released on December 9, 2014. The report also identifies
9 Plaintiffs by name as three of the 39 named victims and survivors of
10 Defendants' "enhanced interrogation techniques." The SSCI Report
11 "is the most comprehensive review ever conducted" of the CIA's
12 detention and interrogation program, and is based on six million pages
13 of material, including "CIA operational cables, reports, memoranda,
14 intelligence products, and numerous interviews conducted of CIA
15 personnel by various entities within the CIA...as well as internal email
16 and other communications." SSCI Report 9.

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21 **Defendants Devise a Torture Program for the CIA.**

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23 22. Defendants Mitchell and Jessen laid the foundations for the CIA's use
24 of torture in or around December 2001 when, at the request of the
25 Agency, they collaborated in reviewing a document known as the
26

1 “Manchester Manual.” The Manual was found by the Manchester
2 (England) Metropolitan Police during a search of an alleged al-Qa’ida
3 member’s home. The CIA assessed the Manchester Manual to be an
4 al-Qa’ida document that included strategies to resist interrogation.
5

6 23. The CIA requested Defendant Mitchell’s review of the Manchester
7 Manual. Defendant Mitchell collaborated with Defendant Jessen to
8 provide the review, even though neither Mitchell nor Jessen “had
9 experience as an interrogator, nor did either have specialized
10 knowledge of al-Qa’ida, a background in terrorism, or any relevant
11 regional, cultural, or linguistic expertise.” SSCI Report 21. The
12 Agency thought Defendants had expertise in “non-standard means of
13 interrogation.” SSCI Report 32 n. 138 (citing CIA June 2013
14 Response 49). It conducted no research on the theory and practice of
15 traditional, non-coercive interrogation methods.
16

17 24. Defendants Mitchell and Jessen produced a white paper for the CIA
18 entitled *Recognizing and Developing Countermeasures to Al-Qa’ida*
19 *Resistance to Interrogation Techniques: A Resistance Training*
20 *Perspective*. In it, Defendants told the CIA that the Manchester
21 Manual was evidence that al-Qa’ida members were trained to resist
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1 interrogation, elaborated on their purported resistance capabilities, and
2 proposed countermeasures that could be employed to defeat that
3 resistance. SASC Report 7.
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5 25. Defendants proposed a pseudoscientific theory of countering resistance
6 that justified the use of torture and other forms of cruel, inhuman, and
7 degrading treatment. Their theory relied on the work of psychologist
8 Dr. Martin Seligman, who in the 1960s pioneered studies on a concept
9 called “learned helplessness.” In his experiments, Dr. Seligman
10 restrained dogs and subjected them to random and repeated electric
11 shocks. Dogs that could not control or influence their suffering in any
12 way “learned” to become helpless, collapsing into a state of passivity.
13 Dr. Seligman found that if a researcher inflicted uncontrollable pain on
14 a dog for a long enough period, the animal abandoned any attempt to
15 escape its confinement or avoid further pain, even if given the
16 opportunity.
17

18 26. Defendants hypothesized that they could “counter” any resistance to
19 interrogation on the part of detainees by inducing the same state of
20 “learned helplessness” in humans that Seligman had induced in dogs.
21 They proposed that interrogators induce “learned helplessness” in
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1 people suspected of withholding information by confining them under
2 physically and psychologically abusive conditions and further abusing
3 them using coercive techniques. Defendants theorized that detainees
4 would become passive, compliant, and unable to resist their
5 interrogators' demands for information.
6

7
8 27. Defendants subsequently devised and proposed coercive methods and
9 conditions of detention that bore a distant resemblance to training
10 techniques they had used as instructors in the SERE training programs.
11 As part of the SERE program, military personnel volunteer for training
12 to resist abusive interrogation in the event of capture by an enemy that
13 does not abide by the Geneva Conventions and other international laws
14 prohibiting torture and other forms of cruel, inhuman, or degrading
15 treatment. Defendants, who had no experience with real-life
16 interrogations, relied on their experience with SERE training at
17 Fairchild Air Force Base to create and justify the torture program.
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21 28. All SERE training programs incorporate strict physical and
22 psychological safeguards to protect students from harm, including
23 "medical and psychological screening for students, interventions by
24 trained psychologists during training, and code words to ensure that
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1 students can stop the application of a technique at any time should the
2 need arise.” SASC Report xxvi. A declassified version of the SERE
3 training manual specifically requires that “[m]aximum effort will be
4 made to ensure that the students do not develop a sense of ‘learned
5 helplessness’” during training.
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8 29. Because Defendants’ very purpose was to induce “learned
9 helplessness,” the abusive methods that they devised and proposed to
10 apply to CIA prisoners incorporated none of the SERE-school
11 controls.
12

13 30. Defendants’ hypothesis became the basis for the experimental tortures
14 that they and the CIA inflicted on prisoners. In a memorandum dated
15 December 30, 2004, the CIA confirmed to the Department of Justice
16 Office of Legal Counsel (“OLC”) that “[t]he goal of interrogation is to
17 create a sense of learned helplessness and dependence conducive to the
18 collection of intelligence in a predictable, reliable, and sustainable
19 manner. . . . it is important to demonstrate to the [detainee] that he has
20 no control over basic human needs.” Defendants’ experimental
21 “learned helplessness” model remained a key feature of the CIA’s
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1 torture program from its inception to its end in 2009. SSCI Report
2 484–487.

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4 **Defendants test, apply, and refine torture.**

5 31. In late March 2002, the CIA and Pakistani government authorities
6 captured Zayn al-Abidin Muhammad Husayn, also known as Abu
7 Zubaydah. The CIA rendered Abu Zubaydah to Thailand. Initially
8 Abu Zubaydah was hospitalized for serious gunshot wounds to his
9 thigh, groin, and stomach sustained during his capture, and from April
10 15, 2002, he was held at a CIA black-site prison referred to as GREEN
11 in the SSCI Report.

12
13 32. Before the CIA conducted any meaningful assessment of Abu
14 Zubaydah’s level of cooperation, on April 1, 2002, it contracted with
15 Defendant Mitchell to “provide real-time recommendations to
16 overcome Abu Zubaydah’s resistance to interrogation.” SSCI Report
17 26. That same evening, Mitchell, “who had never conducted an actual
18 interrogation, encouraged the CIA to focus on developing ‘learned
19 helplessness’ in CIA detainees.” SSCI Report 463–464.

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21 33. Even as Mitchell and the CIA were considering Abu Zubaydah’s
22 torture, FBI agents with interrogation experience and Arabic language
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1 skills were interviewing him in the hospital using non-coercive,
2 rapport-building interrogation methods. “Abu Zubaydah confirmed
3 his identity to the FBI officers, informed the FBI officers he wanted to
4 cooperate, and provided background information on his activities.”

5
6 SSCI Report 25. FBI agents continued to obtain information from
7 Abu Zubaydah while he was hospitalized. FBI agents assisted in Abu
8 Zubaydah’s medical care and remained at his bedside to establish trust
9 and rapport.
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12 34. On the assumption that Abu Zubaydah was withholding information,
13 Mitchell recommended that Abu Zubaydah be “kept in an all-white
14 room that was lit 24 hours a day, that Abu Zubaydah not be provided
15 any amenities, that his sleep be disrupted, that loud noise be constantly
16 fed into his cell, and that only a small number of people interact with
17 him.” SSCI Report 26. The CIA ultimately adopted this
18 recommendation. In early April 2002, CIA Headquarters sent Mitchell
19 to GREEN to consult on the psychological aspects of Abu Zubaydah’s
20 interrogation.
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24 35. In the first two weeks of April 2002, an interagency conflict developed
25 between the CIA and FBI over whether Abu Zubaydah should be
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1 tortured. “In a message to FBI Headquarters, an FBI special agent
2 wrote that the CIA psychologists had acquired ‘tremendous
3 influence.’” SSCI Report 27. The conflict was resolved when the
4 White House transferred full responsibility for Abu Zubaydah’s
5 continued interrogation to the CIA.
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8 36. Once in control of the interrogation, Defendant Mitchell seized the
9 opportunity to test Defendants’ theory on Abu Zubaydah. Defendants
10 would go on to document their methods meticulously.
11

12 *Phase I: “Setting the conditions” for “learned helplessness”*

- 13 37. While Abu Zubaydah was still hospitalized, Mitchell and the rest of
14 the CIA interrogation team implemented their “new interrogation
15 program.” SSCI Report 27.
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- 17 38. The program began by setting abusive conditions that were specifically
18 intended to “enhance[] the strategic interrogation process” through
19 “psychological disorientation,” and to increase Abu Zubaydah’s “sense
20 of learned helplessness.” SSCI Report 26 n. 94. On April 15, 2002,
21 pursuant to Defendant Mitchell’s scripted plan, Abu Zubaydah was
22 sedated and moved from the hospital where he was still recovering
23 from his injuries to a tiny cell in GREEN. He was stripped naked and
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1 held in solitary confinement. His cell was brightly lit with four
2 halogen lights 24 hours a day. The cell's temperature was kept
3 extremely cold and he was constantly bombarded with either loud rock
4 music or discordant noise. Throughout, he was kept shackled to one of
5 two chairs in his cell, and only unchained long enough to let him use
6 the toilet, which was a bucket in the cell. His diet was restricted to
7 minimal sustenance. He was continuously deprived of sleep;
8 whenever he started to fall asleep, one of his guards sprayed water in
9 his face to wake him. He was continually and repeatedly interrogated
10 while held under these conditions for the next two to three weeks.

14 39. At the end of April 2002, assessing Abu Zubaydah to still be
15 uncooperative, Defendant Mitchell and the rest of the CIA
16 interrogation team at GREEN provided CIA Headquarters with three
17 strategies for obtaining information from him. CIA Headquarters
18 chose the most coercive option, which had been proposed by Mitchell.

21 40. In early June 2002, Defendant Mitchell and the other members of the
22 CIA interrogation team at GREEN proposed that Abu Zubaydah be
23 subjected to several weeks of isolation, in part to keep him "off-
24 balance" and so the interrogation team could discuss the "endgame"
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1 for him with CIA Headquarters. SSCI Report 30. CIA Headquarters
2 agreed and Abu Zubaydah was held in complete isolation without
3 being asked any questions for 47 days, from June 18 to August 4,
4 2002.
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6 *Phase II: “Aggressive phase” of torture and cruel, inhuman, and*
7 *degrading treatment*
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9 41. In July 2002, Defendant Mitchell and the CIA assessed Abu Zubaydah
10 as “uncooperative,” and decided that additional coercive measures
11 were required for him to become “compliant” and reveal the
12 information the CIA believed he was withholding. SSCI Report 31.
13 Based in part on a psychological evaluation Defendant Mitchell
14 conducted of Abu Zubaydah, Defendant Mitchell proposed a new
15 “aggressive phase” of Abu Zubaydah’s torture during which he would
16 be subjected to a regime of 12 highly coercive methods that
17 Defendants had devised. SSCI Report 42.
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19 42. Also in July 2002, on Defendant Mitchell’s recommendation, the CIA
20 contracted with Defendant Jessen to join Defendant Mitchell to assist
21 him in testing and developing the Defendants’ theory on Abu
22 Zubaydah.
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- 1 43. Working with the CIA, Defendants helped convince Justice
2 Department lawyers to authorize specific coercive methods that
3 Mitchell had initially proposed for use on Abu Zubaydah. These
4 methods included: (1) the attention grasp, (2) walling, (3) facial hold,
5 (4) facial slap, (5) cramped confinement, (6) wall standing, (7) stress
6 positions, (8) sleep deprivation, (9) waterboard, (10) use of diapers,
7 (11) use of (non-stinging) insects, and (12) mock burial. SSCI Report
8 31–32. The CIA agreed to propose all but the “mock burial” technique
9 to the Attorney General and OLC.
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- 13 44. On July 24, 2002, the Attorney General gave his verbal approval to all
14 of the proposed methods except the waterboard. Defendants and the
15 CIA interrogation team stated that they would not proceed until the
16 Attorney General also approved use of the waterboard. Defendants
17 asserted that the waterboard was an “absolutely convincing technique,”
18 necessary for use on Abu Zubaydah. SSCI Report 36. On July 26,
19 2002, the Attorney General approved the use of the waterboard.
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- 23 45. On August 1, 2002, OLC authorized the use of every method the CIA
24 proposed, except that it did not address the diapering technique. The
25 methods OLC authorized, together with others that were subsequently
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1 devised, developed and refined by Mitchell and Jessen, were referred
2 to as “enhanced interrogation techniques.”
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4 46. On August 4, 2002, Defendants Mitchell and Jessen began what they
5 and the CIA referred to as the “aggressive phase” of Abu Zubaydah’s
6 torture. Defendants personally conducted or oversaw this phase,
7 subjecting Abu Zubaydah to a combination of the 10 coercive methods
8 on a near 24-hour basis until August 23, 2004. The abusive
9 “conditions” of Abu Zubaydah’s detention—combining prolonged
10 solitary confinement, sensory bombardment by light and sound, use of
11 extreme temperature, nudity, sleep deprivation and dietary
12 restrictions—remained in place for the duration of this phase.
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16 47. At approximately 11:50 a.m. on August 4, security personnel entered
17 Abu Zubaydah’s cell, shackled and hooded him, and removed his
18 towel, leaving him naked. Without asking any questions, Mitchell and
19 Jessen then placed a rolled towel around his neck like a collar and
20 slammed him against a concrete wall. They removed his hood and
21 performed an “attention grab” on him, directing his face toward a
22 coffin-like box. SSCI Report 41.
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25 48. Defendants Mitchell and Jessen subjected Abu Zubaydah to “cramped
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1 confinement” in two boxes that they had designed. Defendants forced
2 Abu Zubaydah inside the larger of the two boxes, which was coffin-
3 sized, for several hours before forcing him inside the second,
4 significantly smaller, box, which measured 2.5 foot square and 21
5 inches deep. In the smaller box, Zubaydah was made to squat in a
6 fetal position, reopening the stomach wounds he had sustained at the
7 time of his capture. When Abu Zubaydah was inside each box, a
8 heavy cloth was draped over the outside to block any light, increase
9 the temperature inside, and restrict the air supply.
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13 49. Once Abu Zubaydah was removed from the smaller confinement box,
14 Defendants Mitchell and Jessen again subjected him to repeated wall
15 slamming. In between, they shouted questions at him, demanding
16 information on terrorist operations planned against the United States.
17 SSCI Report 41. Each time Abu Zubaydah denied having the
18 information, Defendants beat him severely around his face and torso,
19 using the facial slap, abdominal slap and facial grab techniques.
20 Defendants repeatedly employed this routine for some six and a half
21 hours on the first day of the “aggressive phase.”
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25 50. At approximately 6:20 p.m. on the first day, Defendants Mitchell and
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Jessen introduced the “waterboard” into the regimen. Defendants conducted two to four waterboard sessions daily in this same manner. In total they waterboarded Abu Zubaydah 83 times in August 2002 alone.

51. Over approximately three subsequent weeks, Defendants Mitchell and Jessen continued to subject Abu Zubaydah to walling, facial and abdominal slaps, the facial hold, stress positions, cramped confinement in stress positions (in the large and small boxes), prolonged sleep deprivation, and waterboarding repeatedly and in varying combinations on a near 24-hour basis.

52. During this period and as a result of Defendants’ methods, Abu Zubaydah, “cried,” “begged,” “pleaded,” “whimpered,” became “hysterical” and “distressed to the level that he was unable to effectively communicate.” He became “compliant” to the extent that when an interrogator “raised his eyebrow, without instructions,” Abu Zubaydah “slowly walked on his own to the water table and sat down.” When the interrogator ““snapped his fingers twice,” Abu Zubaydah would lie flat on the waterboard.” SSCI Report 42–43.

53. In an email dated August 21, 2002, discussing their waterboarding of

1 Abu Zubaydah, Defendants wrote, “As for our buddy; he capitulated
 2 the first time. We chose to expose him over and over until we had a
 3 high degree of confidence he wouldn’t hold back. He said he was
 4 ready to talk during the first exposure.” SSCI Report 471 n. 2578.

54. 5. Some contemporary CIA observers of Defendants’ methods were
 6 “disturbed” by what they saw and concerned about consequences. A
 7 few days into the “aggressive phase,” “[s]everal on the team [were]
 8 profoundly affected . . . some to the point of tears and choking up.”
 9 SSCI Report 44. Others were concerned that Abu Zubaydah would die
 10 from Defendants’ methods, and videotaped his interrogation in an
 11 attempt to protect themselves from legal liability. The CIA later
 12 destroyed those tapes.

17 55. On August 23, 2002, the “aggressive phase” of Abu Zubaydah’s
 18 torture stopped. Defendants told the CIA it was a “success” because
 19 they could “confidently assess that he does not/not possess undisclosed
 20 threat information, or intelligence that could prevent a terrorist event.”
 21 SSCI Report 46. Defendants explained: “Our goal was to reach the
 22 stage where we have broken any will or ability of subject to resist or
 23 deny providing us information (intelligence) to which he had access.”
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1 *Id.*

2 56. Defendants recommended to the CIA that “the aggressive phase . . .
3 should be used as a template for future interrogation of high value
4 captives.” SSCI Report 46. Presumably referring to themselves,
5 Defendants recommended that psychologists “familiar with
6 interrogation, exploitation and resistance to interrogation should shape
7 compliance of high value captives prior to debriefing by substantive
8 experts.” *Id.*

9 57. Using their torture of Abu Zubaydah as a model, Defendants
10 developed a phased program to induce “learned helplessness” in CIA
11 captives through the infliction of severe physical and mental pain and
12 suffering. Defendants “largely devised the CIA enhanced
13 interrogation techniques,” SSCI 471 n.2578, including by designing
14 instruments of torture such as confinement boxes. They standardized,
15 refined and recalibrated their methods over time.

16 58. Defendants and the CIA collaborated in applying their coercive
17 methods to varying degrees as they deemed necessary for individual
18 prisoners. In the phased program, Defendants designated coercive
19 conditions and methods as either “standard”/“conditioning” or
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1 “enhanced”/“aggressive,” depending on the perceived degree of
2 physical or psychological coercion applied to prisoners.
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4 59. Defendants’ first phase “set the conditions” for inducing a state of
5 “learned helplessness” in CIA captives. Abusive “conditions” in this
6 phase began as soon as persons were captured and rendered by the
7 CIA to its black site prisons. Conditions during rendition included
8 sensory manipulation and humiliation to create “significant
9 apprehension” and “dread.” Memorandum from CIA to OLC,
10 Background Paper on CIA’s Combined Use of Interrogation
11 Techniques (Dec. 30, 2004). This “conditioning” phase was continued
12 once captives were imprisoned at CIA black sites. Prisoners there
13 were subjected to some or all of: solitary confinement; constant
14 extreme light or darkness; the perpetual loud playing of music or white
15 noise; extreme temperatures; forced nudity or dressing solely in
16 diapers; restrictions on food and water; shackling in painful stress
17 positions; and prolonged sleep deprivation. Some or all of these
18 confinement conditions remained in place for the duration of
19 prisoners’ confinement and interrogation, including during any second
20 “aggressive” phase of interrogation and after.
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- 1 60. The conditions at COBALT, where all three Plaintiffs were held,
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3 conformed to Defendants’ first phase. In April 2003, the CIA’s chief
4 of interrogations explained that COBALT was “good for interrogations
5 because it is the closest thing he has seen to a dungeon, facilitating the
6 displacement of detainee expectations.” SSCI Report 50 n.240.
7
8 “[D]etainees were kept in total darkness. The guards monitored
9 detainees using headlamps and loud music was played constantly in
10 the facility. While in their cells, detainees were shackled to the wall
11 and given buckets for human waste.” SSCI Report 49. A CIA
12 interrogator at COBALT during that time stated that detainees
13 “‘literally looked like a dog that had been kenneled.’ When the doors
14 to their cells were opened, ‘they cowered.’” SSCI Report 50 n.240.
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17 61. If Defendants and the CIA assessed a prisoner as “resistant” after the
18 first phase, they progressed to the second, the “aggressive phase,” and
19 used some or all of the coercive methods Defendants had initially
20 tested on Abu Zubaydah. These methods were applied repeatedly, in
21 combination, and in escalating fashion, until Defendants and the CIA
22 assessed a prisoner psychologically broken.
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1 62. Defendants trained and supervised CIA personnel in applying their
2 phased torture program. For example, in November 2002, Defendant
3 Jessen traveled to COBALT for approximately a week to assess the
4 “resistance” of prisoners to interrogation and determine whether they
5 should be subjected to the “aggressive phase” of the program. While
6 there, he instructed and trained CIA personnel in assessing prisoners’
7 “resistance” and in using coercion on them. Among the CIA personnel
8 Jessen trained and supervised was the officer then in charge of
9 COBALT, referred to in the SSCI Report as “CIA Officer 1.”
10

11 63. Together with the CIA, Defendants supervised and oversaw the
12 implementation of Defendants’ experiment. Because the program’s
13 underlying theories had never been tested on actual prisoners before,
14 Defendants and the CIA experimented on individual prisoners to
15 assess whether: (1) they had been tortured long enough to induce a
16 state of “learned helplessness” or additional torture was necessary; (2)
17 certain combinations and sequences of torture techniques were most
18 effective at overcoming “resistance”; and (3) prisoners became fully
19 compliant with their interrogators’ demands once they had been
20 reduced to a state of learned helplessness.
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1 64. Defendants’ role in assessing and evaluating their torture experiment
2 gave rise to significant conflicts of interest. In January 2003, CIA
3 personnel expressed concerns over Defendants’ financial and ethical
4 conflicts of interest in employing coercive methods, assessing their
5 “effectiveness,” and being paid for both. They observed that “the
6 same individuals applied an EIT [Enhanced Interrogation Technique],
7 judged both its effectiveness and detainee resilience, and implicitly
8 proposed continued use of the technique—at a daily compensation” of
9 \$1,800 a day, “or four times that of interrogators who could not use the
10 technique.” SSCI Report 66. The CIA has since acknowledged that
11 “the Agency erred in permitting [the Defendants] to assess the
12 effectiveness of enhanced techniques. They should not have been
13 considered for such a role given their financial interest in continued
14 contracts from CIA.” CIA June 2013 Response 49.

15 65. On May 31, 2015, Defendant Mitchell confirmed in an email to the
16 law firm Sidley Austin that he and Defendant Jessen were never fully
17 able to assess the effectiveness of their theory and coercive methods.
18 Their contract was terminated, he stated, before they were able “to find
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1 and pay an independent researcher, not involved with the program,” to
2 make a final assessment.
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4 66. Defendants were compensated for and profited from their work with
5 and on behalf of the CIA. From 2001 to 2005, as independent
6 contractors to the CIA, Mitchell and Jessen each received \$1,800 per-
7 day, tax free, amounting to \$1.5 million and \$1.1 million respectively.
8

9 67. In 2005, as the number of detainees in CIA custody grew, Defendants
10 formed a company, Mitchell, Jessen & Associates, with corporate
11 headquarters and offices in Spokane, Washington, to meet the CIA’s
12 increasing need for their services. Under Defendants’ direction and
13 control, Mitchell, Jessen & Associates provided security teams for
14 renditions, interrogators, facilities, training, operational psychologists,
15 de-briefers, and security personnel at all CIA detention sites. By April
16 2007, 11 out of 13 interrogators (85%) used by the CIA were directly
17 employed by Mitchell, Jessen & Associates. As of July 2007, the
18 company had between 55 and 60 employees.
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20 68. Until the termination of its contract by the CIA in 2010, the Agency
21 paid Mitchell, Jessen & Associates \$81 million to implement and assist
22 in rendition and coercive interrogation of CIA prisoners.
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1 69. Defendants and the CIA continued to use the phased torture program's
2 most "aggressive" techniques until November 8, 2007. Defendants
3 and the CIA subjected at least 119 individuals to either the partial or
4 full phased program.
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6 70. Plaintiffs are among 39 individuals who were experimented on and
7 subjected by Defendants and the CIA to the most coercive methods of
8 torture.
9

10 **SPECIFIC ALLEGATIONS BY PLAINTIFFS**

11 **Suleiman Abdullah Salim**

12 71. Suleiman Abdullah Salim was born in Stone Town, Zanzibar,
13 Tanzania in 1972. Mr. Salim left high school early to fish and trade
14 around the Swahili coast. In 2003, Mr. Salim settled in Mogadishu,
15 Somalia, and in March that year he married a Somali woman, Magida.
16

17 72. On or around March 15, 2003, agents from the CIA and the Kenyan
18 National Intelligence Service abducted Mr. Salim in Mogadishu. He
19 was rendered to Nairobi, Kenya, where he was secretly detained and
20 interrogated on a daily basis for some eight days by Kenyan
21 authorities. On or around March 23, 2003, Mr. Salim was transferred
22 to the exclusive custody and control of U.S. officials. Mr. Salim's
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1 detention in Kenya and subsequent transfer to U.S. custody is
2 confirmed in public statements made at the time by Kenya's then-
3 national security chief, Chris Murungaru.
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5 73. The CIA rendered Mr. Salim to its COBALT black site prison in three
6 stages: from Kenya to a U.S. Air Base in Bossasso, Somalia; from
7 Bossasso to Djibouti; and, on or around March 26, 2003, from Djibouti
8 to COBALT.
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10 74. During Mr. Salim's custody by the CIA, he was experimented upon
11 and subjected to a regimen of torture and cruel, inhuman, and
12 degrading treatment in accordance with the phased torture program
13 that Defendants Mitchell and Jessen designed, supervised, and
14 implemented. Mr. Salim suffered coercion and abuse during his
15 rendition; torture, cruel, inhuman, and degrading treatment during his
16 confinement; and further torture and abuse through the application of
17 at least 8 of the 10 coercive methods Defendants devised for the
18 torture program: prolonged sleep deprivation (seating and standing),
19 walling, stress positions, facial slaps, abdominal slaps, dietary
20 manipulation, facial holds, and cramped confinement (large and small
21 boxes). In addition, Mr. Salim was subjected to prolonged nudity and
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1 to water dousing that approximated waterboarding. He was also
2 strapped to a waterboard and threatened with waterboarding. Some of
3 these methods were used on Mr. Salim repeatedly and in combination.
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5 *Phase I: "Setting the conditions" for "learned helplessness"*

6 75. The CIA began its torture of Mr. Salim during his rendition, subjecting
7 him to severe physical and mental pain and suffering through
8 humiliation, extreme sensory deprivation, and other forms of abusive
9 treatment, in accordance with Defendant Mitchell and Jessen's
10 specifications. CIA personnel first cut Mr. Salim's clothes from his
11 body. Once he was naked, they forcibly inserted an object into his
12 anus, causing him excruciating pain. They photographed him; Mr.
13 Salim could sense the flash of a camera. He was then dressed in a
14 diaper, a pair of trousers, and a short-sleeved shirt. CIA personnel
15 stuffed earplugs in his ears, placed a hood over his head, and over
16 those, placed a pair of goggles and headphones. They cuffed and
17 shackled him. Disorientated and terrified, Mr. Salim was shoved
18 aboard a small aircraft, chained to the floor between two guards, and
19 flown some eight or more hours.
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1 76. Upon landing, CIA personnel unchained Mr. Salim, forced him off the
2 plane, and threw him into the back of a truck. He was pinned to the
3 floor on his stomach—with someone’s knee pressing into the small of
4 his back—and driven a short distance down a bumpy dirt track road.
5 Two large men then removed him from the truck and marched into a
6 nearby building, which was the CIA’s COBALT prison.

7 77. Mr. Salim was detained at COBALT for approximately five weeks.
8 He was shackled, handcuffed, blindfolded, and in headphones when he
9 first entered COBALT. His sense of smell was immediately flooded
10 with an overpowering stench that reminded Mr. Salim of rotting
11 seaweed. After his headphones, hood, and earplugs were removed, he
12 was overwhelmed by ear-splitting noise: loud western pop-music
13 sometimes interrupted by a mixture of cacophonous sounds like
14 yowling and the clanging of bells. Mr. Salim could also make out the
15 sounds of voices speaking in different languages, including English,
16 Kiswahili, and Somali. He heard phrases such as, “*there’s no God, no*
17 *God, no God.*” Even once his blindfold was removed, Mr. Salim could
18 not see—the entire building was pitch black, though he sensed it was
19 large and cavernous. Mr. Salim and other CIA prisoners came to call
20 21 22 23 24 25 26

1 COBALT “The Darkness.”

2 78. The putrid smell, crashing noises and loud music, and pitch blackness
3 at COBALT remained constant for the entire five weeks of Mr.
4 Salim’s imprisonment. The smell and the noise were at their most
5 intense in Mr. Salim’s cell. The only time the noise and music let
6 up—and then only very briefly—was when the tracks changed or
7 when the system malfunctioned. The only light Mr. Salim saw was
8 from the flashlights used by his guards and the dim lights and
9 spotlights used in the rooms where he was interrogated.
10

11 79. Upon arrival, guards marched Mr. Salim to a tiny, damp, and frigid
12 concrete cell, which was about eight feet high, seven feet long, and
13 three feet wide. It was pitch black and empty except for a rug on the
14 floor. Mr. Salim had no bed or blanket, despite the cold, and no
15 bathroom or washing facilities. On one of the walls there was a small,
16 rusty metal hoop. The guards chained Mr. Salim’s arms and legs to
17 the hoop, with his arms outstretched and at eye level. The only
18 position he could adopt was a squatting position that very quickly
19 became uncomfortable and extremely painful, and kept him from
20 sleeping.
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1 80. For approximately a week, Mr. Salim was kept in the dark in his frigid
2 cell, continually chained to the wall in an excruciating stress position,
3 deprived of sleep, food, and water, and subjected to deafening noise
4 and a nauseating stench. He was in constant fear.
5

6 81. The first sustenance Mr. Salim received was approximately two days
7 after his arrival, when guards gave him a small piece of bread in a
8 watery, tasteless broth and a large bottle of water. The guards briefly
9 unchained him to allow him to eat. This was also the first time that
10 Mr. Salim was permitted to use the metal bucket that the guards placed
11 in his cell as a toilet. Before this, Mr. Salim urinated and defecated in
12 his diaper and the clothes in which he had been rendered from
13 Somalia.
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17 82. For his entire time in COBALT, Mr. Salim was deprived of food and
18 given the same meal—a small chunk of bread in a watery broth—only
19 once every other day. He was given a single bottle of water every day
20 to be used both for drinking and hygiene.
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22 83. The only time Mr. Salim left his cell during the first week or so in
23 COBALT was about two days after his arrival, when two guards took
24 him to meet with a man whom Mr. Salim assumed to be a doctor or
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1 nurse. Mr. Salim was blindfolded for the duration of the visit and the
2 man never introduced himself. The man conducted a general medical
3 examination, weighing Mr. Salim and palpating various parts of his
4 body. He paid particular attention to Mr. Salim's broken nose and
5 fingers—sustained during his abduction in Mogadishu about two
6 weeks before. After taking an X-ray of Mr. Salim's hand, the man told
7 Mr. Salim that his fingers were broken, put them in a cast, and gave
8 Mr. Salim a painkiller. Mr. Salim was provided with painkillers on a
9 daily basis thereafter. He did not take them, however, and instead
10 secreted them in his clothing or in his cell. Mr. Salim had become so
11 distressed and desperate that he had begun to contemplate suicide. He
12 thought that once he had enough painkillers he could use them to kill
13 himself.

14 *Phase II: "Aggressive phase" of torture and cruel, inhuman, and*
15 *degrading treatment*

16 84. Two or three days after his medical examination, Mr. Salim's torture
17 increased in severity. To Mr. Salim, it seemed that the man who had
18 examined him had given the go-ahead for more abuse.

19 85. Before implementation of the "aggressive phase," Mr. Salim had not
20 been questioned. Mr. Salim was one of "[a]t least 6 detainees [who]

1 were stripped and shackled nude, placed in the standing position for
2 sleep deprivation, or subjected to other CIA enhanced interrogation
3 techniques prior to being questioned by an interrogator in 2003.”
4

5 SSCI Report 77 n. 409.

6 86. For the next two or three weeks, Mr. Salim was subjected to greater
7 humiliation, prolonged periods of sleep deprivation, repeated dousing
8 in extremely cold water in a manner that approximated waterboarding,
9 beatings, attention grabs, forceful slaps to the face and body, cramped
10 confinement in two boxes—one coffin-sized and the other
11 significantly smaller—and prolonged nudity. He was also strapped to
12 a waterboard and threatened with waterboarding.
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14 87. On the first day, two guards dressed entirely in black came to Mr.
15 Salim’s cell. Working by flashlight, they unchained Mr. Salim from
16 the wall of his cell, cuffed his hands and shackled his legs, marched
17 him to a large, dimly-lit room, and sat him down in a chair. Mr. Salim
18 was surrounded by eight or nine men, all but one of whom wore black
19 hats, masks, and overalls. The unmasked man seemed to be the leader.
20 Mr. Salim later learned he was called “Viram.” Viram silently
21 approached Mr. Salim with an electric razor in one hand. He began to
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1 shave Mr. Salim's head, and after one swipe passed the razor to one of
2 the masked men. Each of the masked men took a turn with the razor,
3 shaving Mr. Salim until he was bald and removing all his facial hair.
4 The entire episode left Mr. Salim deeply humiliated, degraded, and
5 terrified of what would happen next.
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8 88. The two guards who had brought Mr. Salim into the room then forced
9 Mr. Salim to stand, removed his handcuffs and shackles, and ripped
10 the clothes from his body. Once he was naked, they cuffed and
11 shackled Mr. Salim again and laid him down in the center of a large
12 plastic sheet that covered part of the floor. A thin film of ice-cold
13 water covered the surface of the plastic sheet. Using a large jug, two
14 men repeatedly doused Mr. Salim in gallons of ice-cold water. The
15 water was so cold it left Mr. Salim breathless. In between the water
16 dousing, the two men kicked and slapped Mr. Salim on the stomach or
17 face and shouted at him in English. After some 20 or 30 minutes of
18 this water torture, the men pulled up the corners of the freezing cold
19 sheet and rolled Mr. Salim inside. Covered in the plastic sheet, Mr.
20 Salim was left to shiver violently in the cold for some 10 or 15
21 minutes.
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1 89. Mr. Salim was then taken into another room where two guards forcibly
2 restrained him and a spotlight was aimed directly in his face. A third
3 unmasked man then shouted at Mr. Salim in English while another
4 man translated into Somali. Mr. Salim had a limited grasp of English
5 but knew Somali fairly well. The interrogator demanded personal
6 background information from Mr. Salim and asked what Mr. Salim
7 had been doing in Somalia and who he knew there. The interrogator
8 listed names of people and asked Mr. Salim if he knew any of them.
9 Mr. Salim answered truthfully that he was a trader doing business in
10 Somalia; that he had recently married a woman from there; and that he
11 only knew one person from the interrogator's list of names, and only
12 because he had bought a boat from that person. The interrogation team
13 changed two times during the "aggressive phase." Throughout Mr.
14 Salim's interrogation and the entire time he spent in U.S. custody, he
15 was asked the same questions and he provided the same truthful
16 responses.

17 90. After roughly half an hour, Mr. Salim was taken back into the first
18 room. His head was covered in a cloth bag, and he was again placed in
19 the middle of the plastic sheet. His two interrogators repeated the ice-
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1 cold water dousing, but this time the cloth bag clung to Mr. Salim's
2 face, suffocating him. Mr. Salim felt like he was drowning. His heart
3 felt as if it was beating out of his chest. He was paralyzed with cold.
4 This water dousing session ended like the first: the men rolled Mr.
5 Salim in the plastic sheet so he felt "like a corpse" and left him in the
6 cold for around 15 minutes before he was dragged once again to the
7 second room for interrogation. The water torture sessions followed by
8 interrogation continued in this same manner for hours.
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12 91. After the last water-torture session ended that first day, Mr. Salim's
13 interrogators showed him a small wooden box, measuring about three
14 square feet. There were holes on one side and another was hinged
15 with a lock and padlock. Naked, chained, and shackled, Mr. Salim
16 was stuffed inside the box and it was locked shut. The space was pitch
17 black, and so small that Mr. Salim had to crouch over on his knees.
18 The box smelled rancid. Mr. Salim was locked in the box for what he
19 estimates was half an hour, though it felt much longer.
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23 92. Mr. Salim vomited in pain and fear while he was inside the small
24 cramped confinement box. Interrogators used this technique on him
25 only on the first day, but they threatened to use it on him on a number
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1 of other occasions during interrogations at COBALT. At one time
2 they stuffed him inside the box for a short period without locking the
3 door. Even the threat of this technique filled Mr. Salim with dread.
4

5 93. Immediately after the first cramped confinement session, Mr. Salim
6 was interrogated again.
7

8 94. At the end of this first day of “aggressive” torture, Mr. Salim was
9 taken back to his cell by two guards and again put in a painful stress
10 position. The guards chained him, naked, to the metal ring in the wall
11 but now used a slightly longer length on the leg and arm chains, which
12 allowed Mr. Salim to sit on the floor of his cell instead of squatting. It
13 was still extremely painful, however, and coupled with the constant
14 loud music and cold, Mr. Salim was unable to sleep.
15

16 95. For the duration of this “aggressive phase,” Mr. Salim was kept naked.
17 The only time he was given clothing was during a few of his
18 interrogation sessions. Mr. Salim did not understand why he was
19 given clothing for these sessions, nor why he was stripped afterwards.
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21 96. On the second day of the “aggressive” phase, Mr. Salim was again
22 subjected to repeated and hours-long water torture and interrogation
23 sessions.
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- 1 97. After the last water torture session ended on the second day, Mr. Salim
2 was taken to a room in which a wooden wall had been constructed.
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4 The lead interrogator placed a foam collar, attached to a leash, around
5 Mr. Salim's neck. Using the leash, the interrogator threw Mr. Salim
6 against the wooden wall. Mr. Salim crashed into the wall, and as he
7 rebounded, the interrogator struck Mr. Salim in the stomach. The
8 interrogator repeated this procedure several times, shouting at Mr.
9 Salim as he propelled Mr. Salim against the wall and beat him.
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12 98. After the walling ended, Mr. Salim was interrogated again.
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14 Immediately after the interrogation, he was forced into a tall, thin,
15 coffin-like box. The box was just wide and high enough to
16 accommodate a fully grown adult with arms stretched over their head.
17 Once crammed inside, Mr. Salim's hands were chained above his head
18 to a thin metal rod that ran the width of the box. The door of the box
19 was then closed and Mr. Salim was left in darkness, with music
20 blasting at him in the box from all angles.
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23 99. After two or three hours in the tall box, Mr. Salim was removed and
24 taken to an interrogation room. Interrogators then shone a spotlight in
25 his face and bombarded him with the same questions they had asked
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1 the day before. Once this interrogation session ended, guards took Mr.
2 Salim back to his cell and chained him by his legs and arms to the iron
3 ring in the wall. He was left overnight in pain, naked, cold, and unable
4 to sleep.
5

6 100. Mr. Salim was subjected to water torture and interrogation sessions for
7 two more days. On the third day, after one of the water torture
8 sessions ended and before the interrogation session began, one
9 interrogator attached a chain with a large ball at the end around Mr.
10 Salim's waist and made him drag it around the perimeter of the
11 room—naked with a hood over his head—for thirty minutes, until he
12 collapsed with exhaustion, weakened by hunger and the water torture.
13

14 101. On the fourth and final day of Mr. Salim's water torture, at the end of
15 one of the sessions, interrogators strapped his hands and feet to a
16 pivoted, wooden board—a water board—and threatened to waterboard
17 him, but instead spun him around 360 degrees several times.
18

19 102. Around the beginning of the third week of Mr. Salim's detention at
20 COBALT, sometime after the water torture sessions had ended, Mr.
21 Salim was subjected to prolonged standing sleep deprivation in a new
22 painful stress position. Two guards took Mr. Salim from his cell to a
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1 small, pitch-black room. Working by flashlight, the guards chained
2 Mr. Salim's arms above his head to a metal rod that ran the width of
3 the small room and positioned him so that the balls of his feet barely
4 touched the floor. Mr. Salim was left hanging, naked, in the darkness,
5 barraged with ear-splitting music. During this entire period, Mr. Salim
6 was given no food and only sips of water. He remained suspended
7 from the ceiling without interruption, including when he relieved
8 himself. The only time he was taken down was for interrogation. On
9 occasion, he started to drift into sleep but immediately jolted awake
10 from the excruciating pain that shot through his arms and shoulders as
11 they momentarily supported his full body weight. Mr. Salim was
12 subjected to this form of standing sleep deprivation for what seemed to
13 him four or five days.

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19 103. As a result of the prolonged standing sleep deprivation, Mr. Salim's
20 back and shoulders ached and his arms felt as if they had become
21 dislocated. Both Mr. Salim's legs were swollen and there was a
22 sickening smell from beneath the plaster cast on his hand. A large cut
23 had also opened on the same hand. Once the technique stopped and
24 Mr. Salim was taken back to his cell, a male doctor or nurse came to
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1 treat Mr. Salim, doing nothing for his swollen legs but removing the
2 cast from his fingers and attempting to straighten them. He also
3 bathed Mr. Salim's wound and re-banded his fingers.
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5 104. Two or three weeks after the "aggressive phase" had begun, Mr.
6 Salim's interrogators assessed him "broken" and "cooperative" and
7 stopped it.
8

9 105. During the fourth or fifth week of Mr. Salim's detention at COBALT,
10 a man Mr. Salim had never seen before administered what Mr. Salim
11 believes was a polygraph test. He started by asking Mr. Salim a series
12 of questions that Mr. Salim thought bizarre—Are the lights on or off?
13 What time of day is it?—as well as the same questions previous
14 interrogators had shouted at him. Mr. Salim answered in his limited
15 English, providing the same truthful answers as before.
16

17 106. Sometime after this polygraph test, guards took Mr. Salim from his
18 cell, blindfolded him, strapped him to a stretcher, and wheeled him to a
19 dimly lit room. There he received three very painful injections in his
20 arm. Mr. Salim was not told what these injections were for, and he did
21 not consent to them. From under his blindfold, Mr. Salim could see
22 that he was hooked up to some kind of a computer screen or monitor.
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1 After the injections were administered Mr. Salim felt drowsy, like a
2 drunken person, and his face went numb, as if he'd been slapped very
3 hard. The next thing Mr. Salim was aware of was waking up in his
4 cell, chained to the wall. He has no recollection of what happened to
5 him in the intervening period, or how long the period lasted.
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7

8 107. In approximately his fourth or fifth week at COBALT, Mr. Salim
9 become so hopeless and despondent that he decided to kill himself by
10 taking the painkillers he had stockpiled in his cell. As he began to take
11 the pills, however, guards stormed into his cell and stopped him.
12

13 108. Immediately after Mr. Salim's failed suicide attempt, CIA personnel
14 transferred him from COBALT to another CIA black-site prison. Two
15 or three guards restrained him and another dressed him in shorts and a
16 t-shirt, cuffed his hands, and shackled his legs. A guard stuffed plugs
17 in his ears, placed a hood over his head, and placed goggles and
18 headphones over the hood. Mr. Salim was then dragged into the back
19 of a vehicle. He was driven a short distance, some 15 or 20 minutes,
20 to an underground prison that Mr. Salim later learned was known as
21 the "Salt Pit."
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1 109. The CIA held Mr. Salim incommunicado and in solitary confinement
2 in the “Salt Pit” for 14 months. The Agency did not interrogate him
3 during that time, although the FBI did. On about seven occasions, two
4 individuals who represented themselves as agents of the FBI, one male
5 and the other female, came to talk to him. The male agent called
6 himself “Mike,” and spoke to Mr. Salim in Kiswahili. Mike asked Mr.
7 Salim the same questions that he had been asked in COBALT, and Mr.
8 Salim again gave the same truthful responses.

9 110. The only other visitor Mr. Salim had during his time in the “Salt Pit”
10 was one of his interrogators from COBALT. The interrogator brought
11 fruit and nuts for Mr. Salim, said he had been forced to torture Mr.
12 Salim, apologized, and asked for Mr. Salim’s forgiveness.

13 111. In approximately July 2004, Mr. Salim was transferred to the custody
14 of the U.S. military and held at a prison at the Bagram Air Force Base,
15 a thirty-minute helicopter ride away. For over four years, Mr. Salim
16 was detained at Bagram, where his prisoner number was 1075.
17 Throughout, Mr. Salim was held in solitary confinement in a series of
18 small cages in a large, hanger-type building. Bright lights remained on
19 constantly. He never saw daylight.

1 112. On August 17, 2008, a representative of the International Committee
2 of the Red Cross (“ICRC”) told Mr. Salim that he was to be released.
3
4 The ICRC gave Mr. Salim a memorandum from the U.S. Department
5 of Defense confirming his detention by the “United States/Coalition
6 Forces,” certifying his release, and stating that Mr. Salim “has been
7 determined to pose no threat to the United States Armed Forces or its
8 interests in Afghanistan.” The memo also stated that there were no
9 charges pending against Mr. Salim.
10

11
12 113. The ICRC arranged to fly Mr. Salim to Dubai, and from there to Dar
13 es Salaam and on to his home and family in Zanzibar.

14
15 114. Upon Mr. Salim’s return, he made repeated efforts to find his wife,
16 with whom he had lost all contact during his incommunicado
17 detention. He has never been able to find her. Mr. Salim now lives
18 with his second wife, whom he married in 2011, their three-year-old
19 daughter, and his extended family.
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21 115. Mr. Salim continues to suffer acute physical injuries from torture. He
22 experiences debilitating pain in his jaw and teeth, making it difficult to
23 eat solid foods. His senses of taste and smell are impaired. He suffers
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1 severe pain in his back, shoulders, and legs. The chronic pain makes it
2 extremely difficult for Mr. Salim to work or perform other activities.

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4 116. Mr. Salim also suffers severe and lasting psychological injuries from
5 torture. His injuries include frequent nightmares and terrifying
6 flashbacks to his time in COBALT and, during daytime, frequent
7 spells of dizziness and confusion. A forensic examination conducted
8 after his release confirms many other symptoms of post-traumatic
9 stress disorder, including intrusive recollections, avoidance/emotional
10 numbing, hyper-arousal symptoms, and major depression.
11

12
13 **Mohamed Ahmed Ben Soud (formerly Mohamed Shoroeiya, Abd**
14 **al-Karim)**

15 117. Plaintiff Mohamed Ahmed Ben Soud is a Libyan citizen, born in
16 Misrata in 1969. In 1991, Mr. Ben Soud fled Libya, fearing
17 persecution for his opposition to Muammar Gadaffi's regime. In exile,
18 Mr. Ben Soud later joined a group opposed to the Gadaffi government,
19 the Libyan Islamic Fighting Group. He resided temporarily in a
20 number of countries before settling in Pakistan. In April 2003, he was
21 living in the city of Peshawar with his wife, whom he married in 2000,
22 and their nine-month old daughter.
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1 118. On April 3, 2003, Mr. Ben Soud was arrested during a raid on his
2 home by U.S. and Pakistani forces. During the raid, Mr. Ben Soud
3 was shot in the left leg. The gunshot shattered a bone.
4

5 119. Mr. Ben Soud was detained, interrogated and abused for two weeks by
6 Pakistani and U.S. officials. At one point, a doctor x-rayed his injured
7 leg and fitted it with a plaster cast. The interrogators questioned Mr.
8 Ben Soud about his knowledge of terrorism threats against the United
9 States and his connections with al-Qa'ida. Mr. Ben Soud explained
10 truthfully that he had no knowledge of any terrorism plans against the
11 United States and no connection with al-Qa'ida. Mr. Ben Soud was
12 repeatedly asked these same questions during his time in U.S. custody.
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16 120. On April 18, Mr. Ben Soud's U.S. interrogators told him that he was
17 being uncooperative and that they were going to send him to a place
18 where he would be made to cooperate. That night, Mr. Ben Soud was
19 blindfolded and handcuffed and driven some forty minutes to an
20 airport. The CIA rendered Mr. Ben Soud to its black-site prison,
21 COBALT.
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24 121. During Mr. Ben Soud's imprisonment by the CIA, Mr. Ben Soud was
25 experimented upon and subjected to and regimen of torture and cruel,
26

1 inhuman, and degrading treatment in accordance with the phased
2 torture program that Defendants Mitchell and Jessen designed,
3 supervised and implemented. He suffered coercion and abuse during
4 his rendition; torture and cruel, inhuman and degrading treatment
5 during his confinement and further torture and abuse through the
6 application of 9 of the 10 coercive methods Defendants devised for the
7 torture program: prolonged sleep deprivation (seating and standing),
8 walling, stress positions, the facial slap, abdominal slap, dietary
9 manipulation, the facial hold, cramped confinement (large and small
10 boxes), and a form of waterboarding. In addition, he was subjected to
11 prolonged nudity and water dousing that approximated waterboarding.
12 Some of these methods were used on him repeatedly and in
13 combination.
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19 *Phase I: "Setting the conditions" for "learned helplessness"*

20 122. The CIA began its torture of Mr. Ben Soud during its rendition of him
21 to COBALT by subjecting him to severe physical and mental pain and
22 suffering through humiliation, extreme sensory deprivation, and other
23 forms of abusive treatment in accordance with Defendant Mitchell and
24 Jessen's specifications. Mr. Ben Soud's blindfold was removed, and
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1 he saw he was surrounded by five or six men, all dressed in black and
2 wearing masks so that only their eyes were visible. A strong light was
3 shone directly into his face. CIA personnel cut his clothes from his
4 body. Once Mr. Ben Soud was naked, one of the men conducted what
5 appeared to be a medical examination, checking his anus, eyes, ears,
6 nose and throat. He was then dressed in a diaper, a pair of trousers and
7 a short-sleeved shirt. The men handcuffed Mr. Ben Soud and chained
8 his cuffs to a belly chain. They shackled his legs together and fastened
9 them to the same belly chain. They stuffed earplugs into his ears and
10 taped cotton pads over his eyes. They covered his head with a hood
11 and placed headphones over the hood and his ears. Deafened, blinded,
12 and terrified, Mr. Ben Soud was forced up a set of stairs and into what
13 he sensed was an aircraft. Once inside, he was chained to one of the
14 seats, and flown for what seemed like an hour, although it was difficult
15 for him to gauge time given his disorientation and sensory deprivation.
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21 123. After landing, Mr. Ben Soud was removed from the plane and thrown
22 into the back of a truck. He landed on top of another prisoner. The
23 vehicle drove a short distance, arriving at a hangar-type building,
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1 which was COBALT. Mr. Ben Soud was removed from the back of
2 the truck and hoisted onto someone's shoulder.
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4 124. Inside COBALT, Mr. Ben Soud's headphones, hood, earplugs, and
5 blindfold were removed. CIA personnel sat him on an old ammunition
6 box at a table with two spotlights aimed directly at his face. Across
7 the table from him stood a middle-aged woman whom he identified
8 from her accent as American. Two guards stood behind him, one on
9 each side. Through a translator, the woman shouted at him that he was
10 a prisoner of the CIA, that human rights ended on September 11, and
11 that no laws applied in this prison. She asked him no questions.
12

13 125. Guided by flashlights, two guards then took Mr. Ben Soud to a small,
14 concrete, pitch-black, windowless cell measuring approximately 13
15 feet high by 10 feet long, with a steel door and tiny barred ventilation
16 slot. There was a metal ring attached to one wall. A small metal
17 bucket served as a toilet. There were no washing facilities, only a
18 liter-sized water bottle that was filled every morning but was sufficient
19 only for drinking. There was no bed, just two thin blankets, one of
20 which Mr. Ben Soud used to sleep on and the other he used as a cover,
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1 although the cover did little to keep him warm during the winter
2 months.

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4 126. In the cell, the CIA guards removed Mr. Ben Soud's handcuffs and
5 belly chain, his clothing and his diaper, but left the shackles around his
6 ankles. The whole procedure was precise and well-practiced, seeming
7 almost scientific to Mr. Ben Soud. Mr. Ben Soud was left naked.

8
9 127. Mr. Ben Soud was kept naked for more than a month. At what he
10 estimated was the end of May, he was provided with clothing for the
11 first time, a light pair of trousers and a t-shirt, but both were cut-up
12 oddly, missing a leg or a sleeve.

13
14 128. Throughout his time in COBALT, Mr. Ben Soud was bombarded by
15 Western music. The music was played at ear-splitting levels and filled
16 the entire building. It only ever stopped very briefly as the tracks
17 changed or when the system malfunctioned. Mr. Ben Soud's cell was
18 kept pitch black, and stank. At first, the stench came chiefly from the
19 toilet bucket, but eventually also from Mr. Ben Soud, who was not
20 permitted to wash for five months nor cut his hair, beard or nails. The
21 smell in his cell was so bad that the guards wore masks when they
22 came to take him to interrogation.
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1 129. Mr. Ben Soud was subjected to food deprivation and dietary
2 manipulation throughout his year-long detention at COBALT. In the
3 first five months, from April until September 2003, Mr. Ben Soud was
4 provided one meal a day, and occasionally two meals. These meals
5 consisted of rice or bread and beans. After five months, meals were
6 provided on a more regular basis, but the nutritional quality remained
7 low. Mr. Ben Soud was weighed by a medic when he first arrived at
8 COBALT and again three months later. In this period he lost nearly
9 49 pounds, falling from 187 pounds to 139 pounds.
10

11 130. Throughout Mr. Ben Soud's imprisonment at COBALT he was
12 subjected to sleep deprivation, able to sleep only for minutes at a time
13 because of painful stress positions, constant blaring music, and guards
14 banging loudly on the door of his cell every hour or so. In the first few
15 months at COBALT, Mr. Ben Soud was continually placed in one of
16 three painful seated stress positions: he was kept chained to the ring on
17 his cell wall by one wrist; both wrists; or by the wrists and both legs.
18 The seated positions were, "[t]o accommodate [Mr. Ben Soud's]
19 injuries . . . rather than being shackled standing during sleep
20 deprivation, [he should] be 'seated, secured to a cell wall, with
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1 intermittent disruptions of normal sleeping patterns.” SSCI Report
2 492 n.2675. Once medics removed the cast from his injured leg, Mr.
3 Ben Soud was subjected to standing sleep deprivation. Guards would
4 take him from his cell and force him to march around the prison naked,
5 ““15 minutes every half-hour through the night and into the morning.””
6 SSCI Report 492. This caused Mr. Ben Soud excruciating pain in his
7 leg.
8

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10 131. For Mr. Ben Soud, the prolonged sleep deprivation was the worst form
11 of torture that he had to endure. It drove him close to madness.
12

13 132. During the first two weeks of Mr. Ben Soud’s detention at COBALT,
14 he was interrogated on a regular basis. Mr. Ben Soud was cuffed,
15 shackled and naked, with a spotlight aimed in his face, and two
16 interrogators took turns questioning him. In addition to the questions
17 he had been asked in Pakistan, the interrogators asked Mr. Ben Soud
18 whether he knew certain individuals, including Osama Bin Laden, Abu
19 Faraj al Libi, and Abu Leith al-Libi. Mr. Ben Soud answered truthfully
20 that he knew of them but only from reports in the media. In response
21 to the questions he had also been asked in Pakistan, Mr. Ben Soud
22 gave the same truthful answers as before: he had no connections with
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1 al Qa'ida and he was neither involved in nor knew of any terrorism
2 plots against the United States.
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4 *Phase II: "Aggressive phase" of torture and cruel, inhuman, and*
5 *degrading treatment*

6 133. It was difficult for Mr. Ben Soud to have a firm sense of time—the
7 differences between day and night were almost imperceptible—but he
8 estimates that roughly two weeks after he arrived at COBALT his
9 torture increased in severity with the introduction of new methods.
10

11 134. The "aggressive phase" of Mr. Ben Soud's torture lasted for about four
12 or five weeks. During this phase, Mr. Ben Soud saw Defendant
13 Mitchell three times in COBALT: at least twice while being subjected
14 to water torture, where Mitchell appeared to be observing and
15 supervising the proceedings, and once at the end of the "aggressive
16 phase."
17

18 135. The "aggressive phase" was conducted by two separate interrogation
19 teams. Each team tortured Mr. Ben Soud for approximately two
20 weeks. The first team was comprised of a male lead interrogator and
21 four assistants, both men and women. The second team was
22 comprised of two male lead interrogators and four or five male and
23 female assistants.
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1 136. The first interrogation team subjected Mr. Ben Soud to repeated
2 walling sessions, abdominal slaps, and water torture sessions, often in
3 combination on the same day for over a two-week period.

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5 137. During wall slamming sessions the lead interrogator placed a foam
6 collar around Mr. Ben Soud's neck and then slapped him firmly, first
7 in the face and then in the stomach, before throwing him against a
8 wooden wall. Interrogators repeated walling and slaps for 20 or 30
9 minutes before taking Mr. Ben Soud to be interrogated in another
10 room, and then back again for another session. As the sessions
11 continued they became increasingly painful. The noise of Mr. Ben
12 Soud hitting the wall was also extremely loud and terrifying to him.
13 When back in his cell, Mr. Ben Soud could hear others also being
14 subjected to walling, even above the noise of the music.

15
16 138. About a week after his first wall slamming session, Mr. Ben Soud's
17 interrogators started to combine walling with water torture. On the
18 first day of his water torture, two guards took Mr. Ben Soud from his
19 cell to a room where the interrogation team and some others were
20 waiting. A large plastic sheet covered part of the floor. Guards forced
21 Mr. Ben Soud, naked, into the center of the plastic sheet. With his
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1 hands cuffed at the wrists, they forced his arms over his head. On the
2 lead interrogator's word, four of the assistants pulled up the four
3 corners of the sheet to form a shallow basin. They then threw buckets
4 of ice-cold water over Mr. Ben Soud's face and body until he was
5 partially submerged in the ice-cold water. The water seemed to have
6 been treated with some substance and clung to Mr. Ben Soud's body
7 like a gel. It was so cold he shook violently. A person whom Mr. Ben
8 Soud took to be a doctor monitored the proceedings, periodically
9 checking Mr. Ben Soud's vital signs. When the doctor decided that
10 Mr. Ben Soud's temperature was dangerously low, he would give
11 instructions for warm water to be thrown over him until Mr. Ben
12 Soud's temperature raised modestly. The water torture sessions lasted
13 about half an hour to forty minutes, sometimes longer. After each
14 ended, Mr. Ben Soud was taken naked and shivering to another room
15 and interrogated. This process was repeated multiple times.

21 139. After the first water torture session, the cast on Mr. Ben Soud's leg
22 began to disintegrate. The same doctor who had monitored his
23 temperature examined the plaster. In the next session, the doctor tried
24 to protect the plaster by covering it in a plastic bag before the water
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1 was applied, in accordance with guidance in a CIA cable: “For water
2 dousing, [Mr. Ben Soud’s] injured leg[] would be ‘wrapped in
3 plastic.’” SSCI Report 492 n.2675. When this proved ineffective,
4 however, the doctor later designed and fitted Mr. Ben Soud with a cast
5 that could be easily removed during water torture sessions.
6

7
8 140. After approximately two weeks, the lead interrogator told Mr. Ben
9 Soud that he was not being cooperative and that another team of
10 interrogators would be taking over to make Mr. Ben Soud cooperate.
11 Before leaving, he provided Mr. Ben Soud with a pair of trousers and a
12 t-shirt.
13

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15 141. For the next two to three weeks, a second interrogation team took over
16 and subjected Mr. Ben Soud to a combination of walling, water
17 torture, cramped confinement in large and small boxes, prolonged
18 standing sleep deprivation and a form of waterboarding, while
19 threatening him with additional abuses. The new team stripped Mr.
20 Ben Soud of the clothing he had briefly possessed; he was kept naked
21 for the duration of this period.
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24 142. The walling and accompanying physical beatings were more severe
25 than those conducted by the first team. The water torture sessions also
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1 increased in intensity because interrogators covered Mr. Ben Soud's
2 head with a hood before pouring ice-water over him. The addition of
3 the hood caused Mr. Ben Soud to choke and suffocate. He felt like he
4 was drowning.
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6 143. Mr. Ben Soud's interrogators also placed him in a narrow, coffin-like
7 box which was approximately 1.5 ft. wide and tall enough for him to
8 stand with his hands chained above his head in a painful position.
9 Speakers were located on both sides of the box at the level of his ears.
10 Once inside, loud Western rock music was turned full volume through
11 the speakers. Mr. Ben Soud was forced into this box for forty-five
12 minutes, and found it unbearable. After using this technique on him
13 once, interrogators threatened him with it again if he did not cooperate.
14

15 144. Interrogators also forced Mr. Ben Soud into a smaller wooden box,
16 measuring approximately 3 feet by 3 feet. The box had a series of
17 small holes on each side. Once squeezed inside, the box was locked
18 and Mr. Ben Soud was left there for some forty-five minutes. Again,
19 Mr. Ben Soud found this experience unbearable. He was subjected to
20 this method once, but interrogators threatened Mr. Ben Soud with its
21 use on numerous other occasions.
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1 145. During this same period, for one and a half days, Mr. Ben Soud was
2 hung naked from a metal rod by his arms. He was positioned with his
3 arms over his head and so that the balls of his feet—including the foot
4 of his broken leg—were barely able to touch the ground. If he
5 loosened his arms, they felt like they would come out of their sockets.
6 It was impossible for Mr. Ben Soud to sleep. The room was small and
7 pitch-black except for a tiny blinking red light level with his head. As
8 he was being strung up he could see blood-smeared walls by the light
9 of the guards' flashlights. Loud Western music was blasted into the
10 room for the duration of his suspension from the ceiling. After a very
11 short time, alone in that room and unable to sleep, Mr. Ben Soud
12 began to hallucinate and slowly became hysterical. After a day and a
13 half, the guards released him and brought him to see a doctor, who
14 examined his legs. They had become engorged and swollen with fluid,
15 his broken leg especially. Both limbs were excruciatingly painful.
16 Mr. Ben Soud was unable to walk and had to be carried by the guards
17 to the examination room for treatment.

18 146. On one occasion, Mr. Ben Soud was subjected to a form of
19 waterboarding. He was strapped to a wooden board that could spin
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1 around 360 degrees. His interrogators spun him around on this board
2 with a hood over his head covering his nose and mouth. While
3 strapped to the board with his head lower than his feet, his
4 interrogators poured buckets of cold water him. While they did not
5 pour water directly over his mouth and nose, they threatened to do so
6 if he did not cooperate.
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9 147. After two to three weeks, the interrogation team assessed Mr. Ben
10 Soud as “broken” and “cooperative,” and stopped the “aggressive
11 phase” of his torture.
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13 148. From around June 2003 through April 2004, Mr. Ben Soud continued
14 to be subjected to solitary confinement, other forms of extreme sensory
15 deprivation, including being kept in the dark and bombarded with high
16 decibel music, painful stress positions and prolonged sleep
17 deprivation.
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20 149. During this period, there was also a change in the personnel
21 conducting his interrogations, which now consisted only of
22 questioning. These sessions occurred on a daily basis, but towards the
23 end of Mr. Ben Soud’s time in COBALT they became less regular.
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1 150. On September 3, 2003, Mr. Ben Soud was taken outside, into the
2 daylight. It was the first time he had seen the sun in over four months.
3 He knew the exact date because he spoke with an American man at
4 this time and noticed the date and time on his wrist watch. Seeing the
5 date allowed Mr. Ben Soud to calculate the time he had spent in
6 COBALT. He then kept a tally of the days moving forward using
7 paper and a pen that his captors provided to him.

10 151. On April 25, 2004, Mr. Ben Soud was transferred to another CIA black
11 site prison referred to in the SSCI Report as ORANGE, where he was
12 detained and interrogated for a further year and four months. Mr. Ben
13 Soud was held in secret, in solitary confinement and chained to the
14 wall of his cell when he was not being interrogated.

17 152. On August 22, 2004, the CIA rendered Mr. Ben Soud from ORANGE
18 to Gaddafi's government in Libya.

20 153. In Libya, Mr. Ben Soud was handed over to Libyan officials. He was
21 detained pending a show trial and sentenced to life imprisonment on
22 July 20, 2006. He was released February 16, 2011, a day after the
23 uprising that led to the overthrow of the Gaddafi regime.

1 154. Mr. Ben Soud lives in Misrata together with his wife and their three
2 children. He continues to suffer physically and psychologically from
3 the tortures he endured when he was a subject of Mitchell and Jessen's
4 experimental program. He experiences pain in his left leg in particular
5 and is unable to walk on it for any length of time. A CIA cable from
6 May, 2003 "stated that, even given the best prognosis, [Mr. Ben Soud]
7 would have arthritis and limitation of motion for the rest of his life."
8 SSCI Report 492. He has been diagnosed with rheumatism in his
9 knees and back and has been prescribed medication for the pain. Mr.
10 Ben Soud has also been receiving on-going treatment for hearing loss
11 in both ears, and hears a continuous ringing sound. He has also lost
12 his sense of taste and smell. He continues to suffer deep psychological
13 harm.

14 **Gul Rahman**

15 155. Gul Rahman was born in Afghanistan in the 1970s. He married there
16 and he and his wife had four daughters. In 2001, the family fled
17 Afghanistan to Pakistan to escape the armed conflict after the U.S.-led
18 invasion. They lived together as refugees in the Shamshatoo refugee
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1 camp located on the outskirts of Peshawar, in Pakistan. Mr. Rahman
2 earned a living selling wood to the other Shamshatoo camp refugees.
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4 156. On October 28, 2002, Mr. Rahman, who suffered from allergies, went
5 to Islamabad for a medical checkup. He stayed the night in Islamabad
6 with an old friend and former employer, Dr. Ghairat Baheer. While
7 living in Afghanistan before 2001, Mr. Rahman had [periodically]
8 worked as a driver for Dr. Baheer, who was a physician and leader of
9 Hezb-e-Islami, a group formed in opposition to the Communist
10 Government of Afghanistan.
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13 157. In the early hours of October 29, 2002, Dr. Baheer's home in
14 Islamabad was raided in a joint U.S./Pakistani operation. Mr. Rahman
15 was taken captive, together with Dr. Baheer, two guards and a cook.
16 All of them were detained at a facility in Islamabad for about a week.
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19 158. On or around November 5, 2002, Mr. Rahman was rendered by the
20 CIA from Pakistan to the CIA's black-site COBALT prison.

21 159. During Mr. Rahman's custody by the CIA, he was experimented on
22 and subjected to a regime of torture and abuse in accordance with the
23 phased program Defendants Mitchell and Jessen designed, supervised
24 and implemented. Mr. Rahman suffered abuse and coercion during his
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1 rendition; torture and cruel, inhuman, and degrading treatment during
2 his confinement; and further torture and abuse through the application
3 of at least 6 of the 10 coercive techniques Defendants devised for the
4 torture program: facial holds, insult slaps, abdominal slaps, stress
5 positions, dietary manipulation, and prolonged sleep deprivation. Mr.
6 Rahman was also subjected to prolonged nudity and water dousing.
7 Some of these coercive methods were used on Mr. Rahman repeatedly
8 and in combination.
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12 160. In November 2002, Defendant Jessen conducted a psychological
13 evaluation of Mr. Rahman at COBALT “to determine which CIA
14 enhanced interrogation techniques should be used on him” to counter
15 perceived resistance. SSCI Report 497. Defendant Jessen concluded
16 that Mr. Rahman was resistant and that further torture would be
17 required to “break” his will and render him compliant. Defendant
18 Jessen directly participated in the more “aggressive phase” of Mr.
19 Rahman’s torture, with the assistance of an individual identified in the
20 SSCI Report as CIA Officer 1. Both Jessen and CIA Officer 1 tortured
21 Mr. Rahman. The abuses to which Jessen and CIA Officer 1 subjected
22 Mr. Rahman included “48 hours of sleep deprivation, auditory
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1 overload, total darkness, isolation, a cold shower and rough treatment”
2 SSCI Report 54.
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4 161. Defendant Jessen also oversaw and encouraged Mr. Rahman’s
5 continued torture by the other CIA agents and guards Jessen was
6 training. Those methods included “rough takedown”/“hard
7 takedown,” which “was done for shock and psychological impact and
8 signaled the transition to another phase of the interrogation.” CIA OIG
9 Report at 77. Defendant Jessen described the technique as a
10 “thoroughly planned and rehearsed” form of severe physical and
11 psychological abuse that when performed on Mr. Rahman resulted in
12 abrasions to his face, legs, and hands from his being slapped, punched
13 and dragged naked, hooded and bound over the concrete and dirt floors
14 of COBALT. Defendant Jessen explained that after the technique was
15 used, “interrogators should speak to the prisoner to give them
16 something to think about.” SSCI Report at 56 n. 278.
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21 162. Before Defendant Jessen departed COBALT, he proposed that the CIA
22 continue its torture of detainees using the methods he and Defendant
23 Mitchell had devised for the agency “and offered suggestions to [CIA
24 OFFICER 1], the site manager, on the use of such techniques.” SSCI
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1 Report 54. After Defendant Jessen's departure, CIA interrogators
2 continued to use many of those same methods on Mr. Rahman.
3

4 "Rahman was placed back under the cold water by the guards at [CIA
5 Officer 1]'s direction. Rahman was so cold that he could barely utter
6 his alias . . . the entire process lasted no more than 20 minutes. It was
7 intended to lower Rahman's resistance and was not for hygienic
8 reasons. At the conclusion of the shower, Rahman was moved to one
9 of the four sleep deprivation cells where he was left shivering for
10 hours or overnight with his hand chained over his head." SSCI Report
11 at 63 n.314.
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14 163. On November 19, 2002, CIA Officer 1 assessed Mr. Rahman as still
15 uncooperative, and ordered him to be shackled in a painful stress
16 position that required Mr. Rahman to kneel on the bare concrete floor
17 of his cell with his hands chained above his head. CIA Officer 1 also
18 ordered Mr. Rahman to be stripped of his clothes, except for a
19 sweatshirt, as punishment for a perceived lack of cooperation during
20 an earlier torture session. CIA Officer 1 ordered Mr. Rahman to be
21 left partially nude and in a stress position overnight, when the
22 temperatures were known to dip below 36 degrees Fahrenheit.
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1 164. On November 20, 2002, guards found Mr. Rahman dead in his cell.
2 An autopsy report and internal CIA review found that Mr. Rahman
3 likely died from hypothermia caused “in part from being forced to sit
4 on the bare concrete floor without pants,” with the contributing factors
5 of “dehydration, lack of food, and immobility due to ‘short chaining.’”
6 SSCI Report at 54–55 n. 272.
7

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9 165. The CIA and the CIA Office of the Inspector General completed
10 reports on Mr. Rahman’s death on January 28, 2003 and April 27,
11 2003, respectively. Mr. Rahman’s death was also examined by the
12 CIA Inspector General in a report on the CIA’s detention and
13 interrogation activities from September 2001 to October 2003, dated
14 May 7, 2004. No one was held accountable for Mr. Rahman’s death or
15 the torture that caused it.
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18 166. In March 2003, CIA Officer 1 was recommended for a “cash award”
19 for his “consistently superior work” and remained in charge of the
20 COBALT facility until July 2003. SSCI Report 55.
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22 167. The CIA covered up Mr. Rahman’s death until 2010, when the
23 Associated Press reported on the story. Mr. Rahman’s wife and four
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1 daughters have never been officially notified of Mr. Rahman's death,
2 nor has his body ever been returned to them for a dignified burial.
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4 VI. CAUSES OF ACTION

5 First Claim for Relief

6 Alien Tort Statute: Torture and Other Cruel, Inhuman, and 7 Degrading Treatment

8 168. Defendants Mitchell and Jessen tortured Plaintiffs and subjected them
9 to other forms of cruel, inhuman and degrading treatment under color
10 of law in that they intentionally inflicted severe physical and mental
11 pain or suffering on each of the Plaintiffs, for the purposes of obtaining
12 information or a confession, punishing them, and/or intimidating or
13 coercing them, and that they did so at the instigation of or with the
14 consent or acquiescence of public officials or other persons acting in
15 an official capacity.
16

17 169. Defendants are directly liable because they designed, developed, and
18 implemented a program for the CIA intended to inflict physical and
19 mental pain and suffering on Plaintiffs, and because Plaintiffs were
20 tortured and subjected to cruel, inhuman, and degrading treatment as a
21 consequence of their inclusion in that program.
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1 170. Defendants are also liable because they conspired and/or acted
2 together in a joint criminal enterprise with agents of the United States
3 in Plaintiffs' torture and cruel, inhuman and degrading treatment.
4
5 Defendants entered into an agreement with agents of the United States
6 to design and implement a program of torture and cruel, inhuman, and
7 degrading treatment for the CIA and Plaintiffs suffered severe physical
8 and mental pain and suffering as a consequence of their inclusion in
9 that program. Defendants participated in or committed wrongful acts
10 in furtherance of the conspiracy, resulting in injury to Plaintiffs.
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13 171. Defendants are also liable because they aided and abetted Plaintiffs'
14 torture and cruel, inhuman, and degrading treatment by agents of the
15 United States. Defendants intended to cause Plaintiffs severe physical
16 and mental pain and suffering. Defendants controlled and profited
17 from Plaintiffs' pain and suffering. Torture and cruel, inhuman, and
18 degrading treatment were an inextricable and purposeful component in
19 every aspect of Defendants' program. Defendants provided substantial
20 practical assistance to agents of the United States, resulting in
21 Plaintiffs' torture and cruel, inhuman, and degrading treatment.
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172. Defendants' acts and omissions caused Plaintiffs to suffer damages, including severe physical, mental, and emotional pain and suffering.

173. Defendants' acts or omissions were deliberate, willful, intentional, wanton, malicious, oppressive, and in conscious disregard for Plaintiffs' rights under international and U.S. law and should be punished by an award of punitive damages in an amount to be determined at trial.

Second Claim for Relief

Alien Tort Statute: Non-Consensual Human Experimentation

174. Defendants Mitchell and Jessen experimented on Plaintiffs under color of law and without Plaintiffs' consent. Specifically, Plaintiffs were forced to be part of the test of Defendants' experimental theory that prisoners could be reduced through abusive treatment to a state of "learned helplessness" and thereby rendered passive, compliant, and unable to resist their interrogators' demands for information. As part of this experiment, Defendants implemented an experimental protocol that required assessments of whether (1) prisoners had been tortured long enough to induce a state of "learned helplessness" or additional torture was necessary; (2) certain combinations and sequences of

1 torture techniques were most effective at overcoming “resistance”; and
2
3 (3) whether detainees became fully compliant with interrogators’
4 demands once they had been reduced to a state of learned helplessness.

5 175. Defendants are directly liable because they experimented on Plaintiffs
6 by seeking to induce in them a state of “learned helplessness” to break
7 their will by means of torture and cruel, inhuman, and degrading
8 treatment. Defendants monitored, recalibrated, and refined their
9 experiment based on their assessment of Plaintiffs’ and other
10 prisoners’ physical and psychological reactions to torture and cruel,
11 inhuman, and degrading treatment.
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14 176. Defendants are also liable because they conspired and/or acted
15 together in a joint criminal enterprise with agents of the United States
16 in conducting their experiments on Plaintiffs without their consent.
17 Defendants conspired with agents of the United States to experiment
18 on Plaintiffs by torturing and subjecting them to cruel, inhuman, and
19 degrading treatment and by monitoring, recalibrating, and refining
20 their experiment based on their assessment of Plaintiffs’ and other
21 prisoners’ physical and psychological reactions to their torture and
22 cruel, inhuman, and degrading treatment. Defendants participated in
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1 or committed wrongful acts in furtherance of said conspiracy and/or
2 joint criminal enterprise, resulting in injury to Plaintiffs.
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4 177. Defendants are also liable because they aided and abetted agents of
5 the United States to experiment on Plaintiffs without their consent.
6 They controlled and directly profited from those experiments. Non-
7 consensual human experimentation was an inextricable and purposeful
8 component in every aspect of Defendants' program. Defendants
9 provided substantial practical assistance to U.S. government officials
10 in experimenting on Plaintiffs, resulting in Plaintiffs' becoming
11 subjects of non-consensual human experimentation, and resulting in
12 their physical pain and mental suffering, as a consequence.
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16 178. Defendants' acts and omissions caused Plaintiffs to suffer damages,
17 including severe physical, mental, and emotional pain and suffering.
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19 179. Defendants' acts or omissions were deliberate, willful, intentional,
20 wanton, malicious, and oppressive, and in conscious disregard for
21 Plaintiffs' rights under international and U.S. law prohibiting non-
22 consensual human experimentation and should be punished by an
23 award of punitive damages in an amount to be determined at trial.
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Third Claim for Relief

Alien Tort Statute: War Crimes

180. Plaintiffs were subjected to war crimes of torture, cruel treatment and other “outrages upon personal dignity,” and “medical and scientific experimentation” without their consent in the context of an international armed conflict.

181. Mitchell and Jessen are directly liable for these war crimes. Defendants designed, developed, and implemented a program intended to inflict physical pain and mental suffering on Plaintiffs. Plaintiffs were tortured and cruelly treated as a consequence of their inclusion in that program. Defendants also experimented on Plaintiffs without their consent by attempting to induce in them a state of “learned helplessness” to break their wills by torturing and cruelly-treating them, and by monitoring, recalibrating, and refining their mistreatment based on their assessment of Plaintiffs’ and other prisoners’ physical and psychological reactions to torture and cruel treatment.

182. Mitchell and Jessen are also liable because they conspired and/or entered into a joint criminal enterprise with agents of the United States in the commission of these war crimes: (1) *Torture and cruel*

1 *treatment*: Defendants entered into an agreement with agents of the
2 United States to design and implement a program for the CIA intended
3 to inflict physical and mental suffering on Plaintiffs. Plaintiffs were
4 tortured and cruelly treated within that program. Defendants
5 participated in or committed wrongful acts in furtherance of said
6 conspiracy and/or joint criminal enterprise, resulting in injury to
7 Plaintiffs. (2) *Non-consensual medical and scientific human*
8 *experimentation*: Defendants conspired or entered into a joint criminal
9 enterprise with agents of the United States to experiment on Plaintiffs
10 without their consent by abusing them to induce a state of “learned
11 helplessness.” Defendants and agents of the United States
12 experimented on Plaintiffs by torturing and cruelly treating them, and
13 monitoring and assessing their physical and psychological reactions to
14 that torture and cruel treatment. Defendants participated in or
15 committed wrongful acts in furtherance of said conspiracy and/or joint
16 criminal enterprise, resulting in injury to Plaintiffs.
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23 183. Defendants Mitchell and Jessen are also liable because they aided and
24 abetted agents of the United States in the commission of these war
25 crimes: (1) *Torture and cruel treatment*: Defendants intended to inflict
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1 physical and mental pain and suffering on Plaintiffs. They controlled
2 and directly benefited from Plaintiffs' torture and cruel treatment.
3
4 Torture and cruelty were an inextricable and purposeful component in
5 every aspect of the CIA's torture program. Defendants' provided
6 substantial practical assistance to agents of the U.S. government in
7 carrying out that program, resulting in Plaintiffs' torture and cruel
8 treatment. (2) *Non-consensual medical and scientific human*
9
10 *experimentation*: Defendants aided and abetted agents of the United
11 States in experimenting on Plaintiffs without their consent. They
12 controlled and directly benefited from those experiments. Non-
13 consensual medical and scientific experimentation was an inextricable
14 and purposeful component in every aspect of the CIA's torture
15 program. Mitchell and Jessen provided substantial practical assistance
16 to U.S. government officials in experimenting on Plaintiffs resulting in
17 Plaintiffs' being experimented on without their consent and their
18 torture and cruel treatment.
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23 184. Defendants' acts and omissions described herein caused Plaintiffs to
24 suffer damages, including severe physical, mental and emotional pain
25 and suffering.
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185. Defendants' acts or omissions were deliberate, willful, intentional, wanton, malicious, oppressive, and in conscious disregard for Plaintiffs' rights under international and U.S. law prohibiting war crimes and should be punished by an award of punitive damages in an amount to be determined at trial.

VII. REQUEST FOR RELIEF

Plaintiffs respectfully request that this Court grant the following relief:

- A. compensatory damages in an amount to be proven at trial, but in an amount over \$75,000;
- B. punitive and exemplary damages in an amount to be proven at trial;
- C. reasonable attorneys' fees and costs of suit; and
- D. such other relief as the Court deems just and proper.

VIII. JURY TRIAL DEMAND

Plaintiffs demand a jury trial on all issues so triable.

1 Dated: October 13, 2015

Respectfully submitted,

2 s/ La Rond Baker

3
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